

WILMERHALE

October 8, 2014

VIA ECF

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The Honorable Lorna G. Schofield  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Marvin A. Eaton v. EDAP TMS S.A., et al.* (1:14-cv-06069-LGS); *Haddad v. EDAP TMS S.A., et al.* (1:14-cv-06188-LGS)

Dear Judge Schofield:

I write on behalf of defendants EDAP TMS S.A. (“EDAP”), Marc Oczachowski, and Eric Soyer (collectively, “Defendants”) in reference to the above-captioned matters (the “Matters”), and in advance of the joint hearing scheduled for October 15, 2014, regarding the pending motions for consolidation of the Matters and appointment of a lead plaintiff and lead counsel filed by: (i) Oscar Carlos; (ii) Kent L. Martinson, Nikhil Patel and Jon F. Alpaugh (collectively, “EDAP Investor Group”); (iii) Cathy and Timothy Krajenke and Bahaa Saad Aly (collectively, “Krajenke Group”); (iv) Ryan H. Tennebar; and, (v) Timothy Burch.

Defendants do not oppose the pending motions to consolidate the Matters. Regarding the motions of certain plaintiffs and their counsel seeking appointment as lead plaintiff and lead counsel, Defendants take no position, but reserve all of its rights, including but not limited to their right to challenge any plaintiff’s standing or qualifications to act as a class representative at any future stage of this proceeding.

Respectfully submitted,

  
Michael G. Bongiorno

*Counsel for Defendants EDAP TMS S.A., Marc Oczachowski, and Eric Soyer*

cc: All counsel of record (via ECF)